

106TH CONGRESS  
2D SESSION

# H. R. 4162

To assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2000

Mr. JACKSON of Illinois (for himself, Mr. FATTAH, Ms. NORTON, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. DAVIS of Illinois, Mr. FARR of California, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Ms. CARSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accuracy in Judicial  
5 Administration Act of 2000”.

1 **SEC. 2. TEMPORARY MORATORIUM.**

2 (a) IN GENERAL.—

3 (1) ESTABLISHMENT.—During the period set  
4 forth in subsection (b) applicable to a governmental  
5 authority of a State or the Federal Government,  
6 that authority shall not carry out the penalty of  
7 death.

8 (2) STANDARDS.—

9 (A) IN GENERAL.—The Attorney General  
10 shall prescribe standards to provide over-  
11 whelming confidence that innocent parties will  
12 not suffer the death penalty.

13 (B) DISCOVERY.—Such standards shall in-  
14 clude procedures to assure an effective oppor-  
15 tunity for pretrial discovery by defendants of fo-  
16 rensic evidence in the possession of the pros-  
17 ecuting authority.

18 (C) POST CONVICTION PROCEDURES.—  
19 Such standards shall include procedures to as-  
20 sure that each individual convicted of a capital  
21 offense has a full and fair opportunity—

22 (i) to produce any exculpatory DNA  
23 or similar evidence which was not available  
24 to that individual at the time of the trial  
25 that resulted in the sentence of death; and

1 (ii) to obtain an effective judicial viti-  
2 ation of the conviction and sentence of  
3 death if the reviewing court determines  
4 that evidence indicates a reasonable doubt  
5 that the individual was guilty as convicted.

6 (b) PERIOD OF MORATORIUM.—The period referred  
7 to in subsection (a) begins on the date of the enactment  
8 of this Act and ends on the later of—

9 (1) 7 years after that date; or

10 (2)(A) in the case of a State authority, the date  
11 on which a declaratory judgment with respect to the  
12 State of which that authority is a governmental au-  
13 thority is entered under subsection (c); and

14 (B) in the case of a Federal authority, the date  
15 on which the Attorney General certifies to the public  
16 that the Federal authority operates consistently with  
17 the standards prescribed in subsection (a).

18 (c) DECLARATORY JUDGMENT.—In a civil action  
19 commenced by a governmental authority of a State, an  
20 appropriate United States district court may enter a de-  
21 claratory judgment under subsection (b) ending the period  
22 of moratorium for the relevant State if the court finds that  
23 the State has established procedures consistent with the

- 1 standards prescribed by the Attorney General under sub-
- 2 section (a).

